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4 UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6 OAKLAND DIVISION
7

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 KEITH AARON VANN,

12 Defendant.
13

Case No: CR 08-00244 SBA

**ORDER DENYING DEFENDANT
VANN'S RENEWED MOTION TO
DISMISS**

Dkt. 179

14 The parties are presently before the Court on Defendant Keith Vann's renewed pro
15 se motion to dismiss. Dkt. 179, 184. Having read and considered the papers submitted and
16 being fully informed, the Court DENIES Vann's motion.

17 Defendant Vann and William Joseph Little, Jr., are charged in an eleven count
18 Indictment with: Conspiracy to commit mail and wire fraud, 18 U.S.C. § 1349; mail fraud,
19 id. § 1341; wire fraud, id. § 1343; money laundering-promotion, id. § 1956(a)(1)(A)(i); and
20 money laundering-expenditure, id. § 1957(a). These charges arise from a fraudulent
21 scheme perpetrated by Vann, Little and the late Joseph Lawrence Williams, in which they
22 allegedly induced siblings Joseph Studnek ("Studnek") and Jean Owens ("Owens") into
23 donating two commercial properties to Global Missions UN Limited ("Global Missions").
24 Defendants led Studnek and Owens (collectively "Victims") to believe that Global
25 Missions was a charitable organization and that their donations would be tax-deductible. In
26 reliance on those representations, the Victims transferred title to the properties to Global
27 Missions, which, in turn, sold the properties for approximately \$3.4 million. The Victims
28

1 later learned that the IRS did not recognize Global Missions as a non-profit organization
2 and were unable to obtain a charitable tax deduction for their donation.


3 Vann previously filed a motion to dismiss the Indictment which the Court denied on
4 November 9, 2011. Dkt. 176. On January 27, 2012, Vann filed the instant, renewed
5 motion to dismiss. Dkt. 179, 184. Federal Rule of Criminal Procedure 12(b)(3)(B)
6 authorizes a party to seek the dismissal of a criminal action where “the indictment or
7 information fails to invoke the court’s jurisdiction or to state an offense[.]” In his renewed
8 motion, Vann states “[t]hat the Third Party Intervenor [i.e., Vann] had agreed to perform to
9 go to jail but the Plaintiff’s offer that was accepted for value was conditioned upon
10 production of Proof(s) of Claim.” Mot. ¶ 4. He further states that “[t]he Prosecutor has
11 failed to bring forth proof of claim, has failed to state a claim upon which relief can be
12 granted and has stipulated to the facts as they operate in his favor of the Defendant/Debtor.”
13 Id.

14 The import of Vann’s argument is entirely unclear, and it is otherwise legally and
15 factually unsupported. To the extent that Vann is again challenging the sufficiency of the
16 Indictment, the Court has already found that “the Indictment adequately alleges the
17 elements of the offenses charged and ‘fairly informs’ him of the charges against which he
18 must defend, and otherwise ‘enables him to plead an acquittal or conviction in bar of future
19 prosecutions for the same offense.’” 11/9/11 Order at 4 (citing United States v. Lazarenko,
20 564 F.3d 1026, 1033 (9th Cir. 2009)). Vann has failed to present any compelling grounds
21 for reconsidering that finding. Accordingly,

22 IT IS HEREBY ORDERED THAT Defendant Vann’s renewed motion to dismiss is
23 DENIED.

24 IT IS SO ORDERED.

25 Dated: June 11, 2012

26 
27 SAUNDRA BROWN ARMSTRONG
28 United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 UNDER SEAL et al,

5 Plaintiff,

6 v.

7 UNDER SEAL et al,

8 Defendant.
9 _____/

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11 Case Number: CR08-00244 SBA

12 **CERTIFICATE OF SERVICE**

13
14 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

15 That on June 14, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
17 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

19
20 Keith Aaron Vann
21 c/o 35 Shadow Mountain Street
22 Oakland, CA 94605

23 Dated: June 14, 2012

24 Richard W. Wieking, Clerk

25 By: Lisa Clark, Deputy Clerk
26
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